

Judge Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

COLTON HARRIS-MOORE,

Defendant.

NO. CR10-336RAJ

SUPPLEMENTAL OPPOSITION TO
MOTION FOR EARLY TERMINATION
OF SUPERVISED RELEASE

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Michael Dion, Assistant United States Attorney, files this Supplemental Opposition to Defendant Colton Harris-Moore's Motion for Early Termination of Supervised Release.

The United States files this supplemental brief to respond to factual inaccuracies in Mr. Harris-Moore's response brief ("Response") (docket no. 84).

Inaccurate Claims About Approval Of Travel Requests

Mr. Harris-Moore claims that his prior Probation Officer, Angela McGlynn, told him that travel requests (a) would take "three months" to process, and (b) would require two levels of supervisory approval. Response at pp. 1-2. Officer McGlynn has told the

1 United States that she never said those things to Mr. Harris-Moore and that they are not
2 true.

3 The request to go to Arizona described in the Response was a request to *move* to
4 Arizona and transfer supervision – not a travel request.¹ Supervision transfers are
5 elaborate affairs that can take months to approve. Travel requests are much simpler. As
6 Mr. Harris-Moore has repeatedly been informed, travel requests can be approved in two
7 weeks *at the most*, and often faster than that. Furthermore, travel requests only require
8 approval from the Probation Officer’s immediate supervisor, and do not require approval
9 from a higher-level supervisor.

10 The Response also states that Mr. Harris-Moore asked to move to Arizona “last
11 year” and that the request “took months to process.” Response at p. 2. According to
12 Probation, both of those statements are inaccurate. Mr. Harris-Moore asked to move to
13 Arizona in 2016, not last year. The request was denied one month later, not “months”
14 later. The Probation Office denied the request for transfer to Arizona because it found
15 that Mr. Harris-Moore had no real ties to Arizona, had never lived there, and had no
16 blood relatives there.

17 Inaccurate Claims About Financial Disclosure Requirements

18 Mr. Harris-Moore claims that “individuals” were “considering” partnering with
19 him in some undescribed business venture, but decided not work with him because of the
20 supposedly invasive financial disclosures required by the Probation Office. Response at
21 p. 2. Mr. Harris-Moore claims that the Probation Office told him that a partner’s
22 “financial history and current financials would be treated as your own[.]” Officer
23 McGlynn has told the United States that she never said that and that it is inaccurate. The
24 Probation Office would review the finances of a *company* that Mr. Harris-Moore had an
25 interest in, and might inquire about sources of start-up money. The Probation Office
26 would not, however, review the financial history of a potential partner.

27 _____
28 ¹ Indeed, the Response brief describes the Arizona request as a “move,” not mere travel. Reply at p. 2.

1 Inaccurate Claims About How Supervision Has Affected Harris-Moore

2 Mr. Harris-Moore claims that, “[b]ut for” the restrictions of supervision, he would
3 be “in a much better place, financially and personally, than he is now.” Response at p. 2.
4 The truth is that, if Mr. Harris-Moore has missed personal and financial opportunities, he
5 has only himself to blame. If these opportunities were important to Mr. Harris-Moore, he
6 should have discussed them with his Probation Officer and sought approval. He did not.
7 He has never asked for approval to travel for a speaking engagement. He has not asked
8 for approval for travel to visit his friends in “London, France, China, or Korea.” He
9 never bothered to learn the actual financial disclosure requirements for a business
10 partnership.

11 Mr. Harris-Moore Is Treated Unfairly Because Of His Notoriety

12 Mr. Harris-Moore claims that Officer McGlynn told him that he “is treated
13 differently because of his notoriety.” Response at p. 2. According to Officer McGlynn,
14 she never said that and it is not true. The restrictions that Mr. Harris-Moore finds
15 onerous are the same restrictions that many other supervisees in this District operate
16 under.

17 Mr. Harris-Moore Is Not A Victim Of His Celebrity

18 The Response paints Mr. Harris-Moore as a victim of his fame as the “Barefoot
19 Bandit.” The Response claims that Mr. Harris-Moore deserves extra credit for his
20 performance on supervision because he “moves ahead with a burden most of us don’t
21 have” because of his “persona from over 10 years ago.” Response at p. 2.

22 The United States agrees that Mr. Harris-Moore has done well on supervision and
23 should be proud of his progress. But the truth is that Mr. Harris-Moore’s fame has given
24 him opportunities that other felons could never even dream of.

25 It was Mr. Harris-Moore’s persona that allowed him to sell the rights to his life
26 story to a movie studio, and thereby reduce his restitution obligation by over one million
27 dollars. Most people on supervision would have no hope of ever paying of a \$1.3 million
28 dollar restitution judgment, and would live with it for the rest of their lives.

1 Assuming that people really would pay Mr. Harris-Moore a \$20,000 speaking fee,
2 that is because of his persona. Other people on supervision have their own compelling
3 stories, full of struggles, hardship, mistakes, successes, and hopes. But nobody will pay
4 them to speak, because they are not The Barefoot Bandit.

5 The United States does not criticize Mr. Harris-Moore for taking advantage of any
6 opportunities that come his way. Mr. Harris-Moore should, however, face the truth about
7 why he has those opportunities. Mr. Harris-Moore committed dozens of dangerous and
8 destructive crimes. These also happened to be unusual, interesting crimes that caught the
9 attention of the press and turned Mr. Harris-Moore into an outlaw hero. He may regret
10 what he did, but he should not deny that he continues to benefit from that persona.

11 The Court should deny the motion for early termination.

12 DATED this 9th day of May, 2019.
13

14 Respectfully submitted,

15 BRIAN T. MORAN
16 United States Attorney
17

18 /s/ Michael Dion
19 MICHAEL DION
20 Assistant United States Attorney
21 700 Stewart Street, Suite 5220
22 Seattle, WA 98101-1271
23 Telephone: (206) 553-7729
24 Fax: (206) 553-2502
25 E-mail: Michael.Dion@usdoj.gov
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant.

/s/ Elizabeth Gan

ELIZABETH GAN

Legal Assistant

United States Attorney's Office

700 Stewart Street, Suite 5220

Seattle, Washington 98101-1271

Phone: (206) 553-4370

FAX: (206) 553-2502

E-mail: Elizabeth.Gan@usdoj.gov